

REMARKS

Claims 16-30 are pending in this application and are presented for reconsideration.

Since the examiner has made the restriction requirement final, applicants propose to limit claims 17-22 to granules containing as manganese complex a compound of formula (1). Additionally applicants propose to limit independent claim 16, and hence all the remaining claims since they all depend, directly or indirectly on claim 16, to granules consisting essentially of the 4 recited components in the recited amounts. No new matter has been added.

Claims 16-30 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 630 964, EP 902 083 or Bacher et al. (U.S. Patent No. 5,965,506). All of these references are commonly owned with the present application, and each discloses manganese complexes of formula (1) and their use in detergent compositions. As applicants have previously acknowledged, formulae (1), (2) and (3) are illustrative of known salen-type water-soluble manganese complexes useful in the inventive granules.

The examiner asserts at the top of page 7 that each cited Ciba reference suggests a granule containing a Mn complex and a dissolution restrainer. Applicants respectfully submit that none of these references teaches or suggests granules consisting essentially of the 4 recited components in the recited amounts, in particular granules containing the combination of component a), from 1 to 89 % by weight of a water-soluble manganese complex with b), from 10 to 95 % by weight of a dissolution restrainer.

All the cited Ciba references disclose detergent compositions that comprise peroxides and builders as essential components. Peroxides as well as builders are ingredients that are very soluble in water. These ingredients are not part of the granules of the present application.

The prior art detergent granules comprising such ingredients are always highly soluble. Because the ingredients are dissolved quickly, therefore the surface of the granule is increased, which promotes the solubility of the granule. In other words, due to these very soluble ingredients (peroxides and builders), the granule loses its stability and falls to pieces. This disintegration of the detergent granules leads to a quick dissolution of all the ingredients. While this is exactly what is normally wanted in a laundry detergent, it is not what is desired according to the present patent application.

As taught on page 1, paragraph 3 of the disclosure:

Surprisingly, it has now been found that granules comprising a salen-type manganese complex and at least 10 % by weight of an anionic or non-ionic dissolution restrainer provide better inhibition of the redeposition of migrating dyes in washing liquors than is provided by the pure manganese complexes when the total amount of manganese complex entering into the washing liquor is the same in both cases. A further advantage of the granules is that the storage stability of peroxide-containing washing agent formulations comprising such granules is improved. In addition, these granules inhibit undesired colouration of the washing agent as a result of the gradual dissolution of the manganese complexes in one or more of the washing agent components.

None of the cited references shows even the slightest recognition of the problems solved by the present invention much less how to solve them.

It is further noted that a relevant property of a composition cannot be ignored in considering the obviousness of the invention as a whole. See *In re Magerlein*, 202 USPQ 473 at 479 (CCPA, 1979).

The examples in the specification must be considered in reaching a conclusion as to whether the claimed invention as a whole would have been obvious.

In Example 6 the release of the manganese complex from the claimed granules into the solution is measured. It is shown that the release is slow and controlled.

In Examples 7, 8 and 54 – 60 the improved DTI (dye transfer inhibition) properties of the granules are shown. Said results are clearly surprising and unobvious over the cited prior art documents.

It is true that one single component (C₉-C₁₅ primary alcohol) mentioned in the prior art documents could be used as dissolution restrainer, but there is not the slightest hint that it should be so used. Rather, this ingredient is always used in combination with a peroxide (0.01 – 30%) and builder (5 – 70%) and a bleach catalyst. Therefore such granules would not dissolve slowly and uniformly. Rather, they would rapidly disintegrate. Additionally, there is no example that uses such a primary alcohol in a granule.

In the present application there is a granule that comprises the bleach catalyst and the dissolution restrainer. This granule can then be granulated together with the detergent (for example C₉-C₁₅ primary alcohol). But this second granulation would have no effect on the dissolution of the bleach catalyst, because the bleach catalyst is not granulated in combination with the highly soluble builders and peroxides.

Claim 30 is a detergent composition. Component IV) therein is granules according to claim 17 in such an amount that the washing agent formulation comprises from 0.005 to 2 % of the pure manganese complex of formula (1), the percentage figures in each case being percentages by weight based on the total weight of the washing agent. Since granules according to claim 17 are novel and unobvious, the detergent composition of claim 30 is likewise novel and unobvious.

Reconsideration and withdrawal of the rejection of claims 16-30 under 35 U.S.C. § 103(a) as being unpatentable over EP 630 964, EP 902 083 or Bacher et al. (U.S. Patent No. 5,965,506) is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 16-30 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-7127
KTM22053A2

Kevin T. Mansfield
Agent for Applicants
Reg. No. 31,635

JUN 02 2004